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REMARKS

A Petition and Fee for One Month Extension of Time is submitted herewith.

Claims 1-18 are all the claims presently pending in the application. Claims 1-5 have been amended to more particularly define the invention. Claims 6-18 have been added to claim additional features of the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claim 4 stands rejected under 35 U.S.C. § 101 as allegedly being directed to unpatentable subject matter.

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kellock et al. (U. S. Patent Pub. No. 2004/0027369)

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

A conventional image editing apparatus requires a user to select a video effect to be used in joining images (Application at page 2, lines 11-31).

The claimed invention, on the other hand, may include an image joining device which reads the first and second images recorded in the recording device, and **automatically** joins the images by applying the video effect read by the video effect selection device to a portion in which the images are to be joined in time (Application at page 11, line 7-page 12, line 12). This feature helps to allow the claimed invention to select a video effect such that it may not be necessary for a user to set a video effect during image switching (Application at page 12, lines 9-12).

II. THE 35 U.S.C. §101 REJECTION

The Examiner again alleges that claim 4 is not directed to patentable subject matter. Applicant submits, however, that the claims are clearly directed to patentable subject matter.

Specifically, Applicant notes that claim 4 has been amended to recite "*A programmable storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform an image editing method ...*".

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

III. THE ALLEGED PRIOR ART REFERENCE

The Examiner alleges that Kellock teaches the invention of claims 1-5. Applicant submits, however, that there are features of the claimed invention that are not taught or suggested by Kellock.

Kellock discloses an editing system in which the style of editing is controlled using style data which is optionally derived from a user (Kellock at Abstract).

However, Applicant submits that Kellock does not teach or suggest "*an image joining device which reads the first and second images recorded in the recording device, and **automatically** joins the images by **applying the video effect read by the video effect selection device** to a portion in which the images are to be joined in time*", as recited, for example, in claim 1 (Application at page 11, line 7-page 12, line 12). As noted above, this feature helps to allow the claimed invention to select a video effect such that it may not be necessary for a user to set a video effect during image switching (Application at page 12, lines 9-12).

Clearly, this feature is not taught or suggested by Kellock.

Indeed, Kellock is unrelated to the claimed invention. Kellock discloses a process of editing input material which may include "segmentation (of video/audio), selective inclusion, sequencing, transformation and combination" (Kellock at [0017]). Nowhere does Kellock teach

or suggest that his editing process includes joining first and second images.

In addition, even assuming (arguendo) that Kellock somehow teaches joining first and second images, nowhere does Kellock teach or suggest joining first and second images by applying a video effect read by a video effect selection device.

In fact, the Examiner attempts to equate the renderer 123 in Kellock with the image joining device of the claimed invention. This is completely unreasonable.

Indeed, Kellock simply describes the renderer 123 as interpreting Music Support Group (MSG) data as instructions and selects elements of the input material, applies processes such as sequencing, transformation, combination and concatenation to the selections, and transfers or copies them to an output such as a file or an audio-visual monitor (Kellock at [0075]). That is, nowhere does Kellock teach or suggest that the renderer 123 **automatically** joins first and second images by applying a video effect read by a video effect selection device.

In fact, the Examiner attempts to equate the style information in Kellock with the "video effect" of the claimed invention. Again, this is completely unreasonable.

Indeed, in Kellock, the style information is "created by a style designer, for example, by a process of manually defining a set of values for parameters, and the aim of the style designer is to create styles which will cause the system to generate high-quality output productions" (Kellock at [0096]). Kellock gives as examples of "style information", segmentation parameters, selective inclusion parameters, sequencing rules, transformation parameters and combination parameters (Kellock at [0097]-[0101]). Thus, clearly the style information in Kellock has nothing to do with the video effect in the claimed invention.

Therefore, Applicant submits that there are features of the claimed invention that are not taught or suggested by Kellock. Therefore, the Examiner is respectfully requested to withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

Applicant notes that the Specification has been amended to address the Examiner's objections thereto. Further, Applicant would point out that the specification at page 4, lines 3-5 states that

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"the user only has to select images to be joined" which may be understood to mean that "the user only has to select the first image and the second image which are to be joined".

In view of the foregoing, Applicant submits that claims 1-17, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 5/23/07

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Wanda M. Negron, Group Art Unit # 2622 at fax number (571) 273-8300 this 23rd day of May, 2007.

Phillip E. Miller
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